

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CLIFTON SHAD JONES,

Plaintiff,

COURT FILE NO.: 3:18-cv-01095

v.

MRS BPO, LLC,

Defendant.

JOINT MOTION TO AMEND THE MEDIATION ORDER

Pursuant to Fed. R. Civ. P. 16(b)(4) and Civil L. R. 40.1, Clifton Shad Jones and MRS BPO, LLC jointly move the Court for an order amending the deadline set forth in the Mediation Order dated October 15, 2018 [ECF No. 23].

I. Facts

The Court entered a Scheduling Order on October 15, 2018, setting May 3, 2019 as the deadline for completing discovery and May 17, 2019 as the deadline for filing dispositive motions. The Court also entered a Mediation Order on October 15, 2018, requiring the parties to appear in person and complete mediation by May 3, 2019.

II. Legal Standard

Rule 16(b)(4) of the Federal Rules of Civil Procedure provides that “[a] schedule may be modified only for good cause and with the judge's consent.” Local Rule 40.1 provides that “[a] motion for continuance of a trial setting must be signed by the moving party as well as by the party’s attorney of record.”

III. Argument

The parties have exchanged written discovery in this matter and expect to complete discovery by the Scheduling Order's May 3 deadline. The parties have also engaged in exploration of whether this matter can be resolved on the parties' own accord in advance of the mediation, knowing that they will likely have more flexibility to resolve this matter before incurring the costs and expending the time associated with physically appearing at mediation.

In an effort to allow the parties additional time to exhaust settlement efforts prior to hiring a mediator, the parties hereby submit that good cause exists for the Court to amend the Mediation Order to allow 30 more days to complete mediation. Thus, the parties request that the Mediation Order be amended to require that mediation be completed by June 3. Given that this motion does not propose alteration to the discovery or dispositive motion deadline, the parties do not request that the trial setting be revised.

IV. Conclusion

For the foregoing reasons, the parties respectfully request that the Court issue an order extending the mediation deadlines by 30 days.

Dated: April 24, 2019.

MOSS & BARNETT

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Dated: April 24, 2019.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served by electronic notification, per Local Rule 5.1(d) and Fed.R.Civ.P. 5(b)(2)(E), to the persons and entities registered with CM/ECF on this 24th day of April, 2019.

By: /s/ Bradley R. Armstrong
Bradley R. Armstrong